

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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<h1 style="margin: 0;">FSIS DIRECTIVE</h1>	8010.4	6/5/07
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**REPORT OF INVESTIGATION**

**NOTE: DO NOT IMPLEMENT THIS DIRECTIVE UNTIL SEPTEMBER 5, 2007.**

**I. PURPOSE**

A. This directive provides instructions to the Food Safety and Inspection Service (FSIS), Office of Program Evaluation, Enforcement and Review (OPEER), Compliance and Investigations Division (CID) Investigators, on the style, format, and procedures that they are to follow when preparing a Report of Investigation (ROI). Investigators prepare an ROI to support findings of violations of the Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA), Egg Products Inspection Act (EPIA), the Humane Methods of Slaughter Act (HMSA) (the Acts), and other laws and regulations. The ROI is also used to document investigations that may not result in a violation. The ROI should be prepared in a way that will allow FSIS and its managers to use the Report to make informed decisions and take appropriate actions to ensure food safety, food defense, and program integrity and effectiveness.

B. Section VI. defines an ROI and its components. Section VII. sets out the process for the review of the ROI.

**II. CANCELLATION**

FSIS Directive 8040.1, "Reports of Apparent Violations", dated 6/22/94

**III. [RESERVED]**

**IV. REFERENCES**

Federal Meat Inspection Act (FMIA)  
Poultry Products Inspection Act (PPIA)  
Egg Products Inspection Act (EPIA)  
Humane Methods of Slaughter Act (HMSA)  
9 CFR Part 300 to end  
FSIS Directive 8010.2, Investigative Methodology  
FSIS Directive 8010.3, Procedures for Evidence Collection, Safeguarding and Disposal  
FSIS Directive 8010.5, Case Referral and Disposition

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**DISTRIBUTION:** electronic

**OPI:** OPPEd

## **V. BACKGROUND**

The purpose of the ROI is to set out findings and supporting evidence that Investigators developed in investigating allegations or apparent violations using the methodology set out in FSIS Directive 8010.2, "Investigative Methodology." The ROI provides FSIS a means to determine whether the available evidence supports the findings, and whether the Agency should take action. The findings and evidence recounted can be used to support any resulting administrative, civil, criminal, or other action. A well-written ROI tells a story to the reader as it outlines the nature of the allegations or alleged violations and the applicable statutes and regulations, and organizes the findings and supporting evidence to allow the reader to evaluate evidence presented in the Report and assess whether it supports the allegations or that violations occurred.

## **VI. THE ROI**

A. Investigators are to write the ROI so that the reader can:

1. comprehend the facts and circumstances of the investigation; and
2. see that the investigation has been handled thoroughly and impartially, based on the findings and evidence presented.

B. Each ROI is to contain clear and concise statements of findings that present the relevant evidence and identify sources for the evidence and report the information in context (e.g., fact as fact, observations as observations). The Report is exhibit oriented; therefore, the text narrative is to summarize findings and refer the reader to particular exhibits for detail.

C. Investigators are to consider the following questions when preparing the ROI:

1. Does the ROI contain sufficient evidence to support the validity of statements that are presented as findings?
2. Are all the exhibits complete and prepared in accordance with the procedures in this directive?
3. Are all persons correctly identified throughout the ROI?
4. Has the ROI been checked for accuracy?

D. Investigators are to prepare the ROI in the following format:

1. Use the uppercase for references to names of individuals and businesses.  
Example: JOHN SMITH (SMITH); ABC COMPANY (ABC).
2. Align headings over each section on the left side of the page. Headings are to be in uppercase and underlined.
3. Title Page - prepare a computer-generated title page with the following elements and information:

- a. The United States Department of Agriculture symbol;
- b. Office - Under the United States Department of Agriculture symbol, enter the region, city, and State;
- c. Title Block - the title block will contain the following:
  - i. file number;
  - ii. date of the violation;
  - iii. name of the subject firm or responsible individual, his or her title, the street number, city, State, and zip code; and
  - iv. the allegation or violation type.

**NOTE:** If there is not adequate space in the title block, place a continuation page behind the title page under the heading, "Title Continued," with the additional information under the heading.

- d. The Lead Investigator will sign above his or her typewritten name and title;
- e. The Regional Manager (RM) or designee will enter his or her signature and the date above his or her typewritten name and title. When a designee signs the ROI, annotate the signature block with the word "for."

5. Text - the text of the ROI should be written to include the following components:

- a. Predication - Identifies when and how OPEER became aware of and involved in the issue;
- b. Objective - Identifies the purpose of the investigation or inquiry;
- c. Summary - Provides a brief statement of results of the investigation or inquiry to answer whether the findings sustain or do not sustain the objective;
- d. Background – Because some readers may be unaware of FSIS' responsibilities, include a brief statement about the Agency's statutory and regulatory responsibilities. Also, when necessary, use this section to explain any unusual, confusing, or complex issues (e.g., SRM issue, humane handling issue);
- e. Findings - At the beginning of this section, cite the section of the statute or statutes applicable to the inquiry or that was allegedly violated and quote or paraphrase the language of the statute (e.g., TITLE 21 UNITED STATES CODE § 610 (a) and (c)). The Investigator is then to present the findings and evidence that he or she has developed in response to each Objective. Each finding will include a specific reference to the supporting evidence in an exhibit or exhibits. Organization and content of the findings are critical to a good report. The findings are to be organized in a way to

facilitate understanding by someone unfamiliar with the case who is reading the ROI for the first time;

f. Compliance History – Include any known violations that the subject of the ROI committed within the past three years. When reporting past history, include the file number, type of case, closing action, and date closed. If none, state “No record of past violations.”

6. List of Exhibits - Identifies the evidence that supports the findings. The “List of Exhibits” should immediately follow the Text and should contain two columns: Exhibit Number and Description of the Exhibit. Separate the “List of Exhibits” from the exhibits in the Report with a tabbed divider identified as “Exhibits.” Under the heading, “Evidence Obtained but not Submitted,” include a list of evidence and any non-evidentiary materials obtained in the investigation but not included in the Report.

7. Exhibits - Each exhibit should be relevant and necessary to facilitate a complete understanding of the case. Exhibits supplement and support findings. Exhibits are to be legible. When a document is not legible, copy the document, make the copy legible by writing in the information, and include the legible copy with the exhibit. The ROI should include the relevant evidence under an Exhibit Cover Sheet (see paragraph E) in an order that facilitates understanding of the case:

a. a flow chart with an easy-to-follow graphic representation of the step-by-step progression of the alleged statutory or regulatory violation;

b. a Memorandum of Interview, a Statement, or a Shipper’s or Receiver’s Certification (FSIS Form 8050-2) from the subject of the investigation;

**NOTE:** When a signed statement is handwritten, include a verbatim, typed copy with the exhibit.

c. photographs that are relevant to whether there has been a statutory or regulatory violation; they must be entered on an FSIS Form 8000-7B, Compliance Photographic Report;

d. business records relevant to the alleged statutory or regulatory violation (e.g., invoices, bills of lading, storage temperature charts, or formulation records);

e. Agency records relevant to the alleged statutory or regulatory violation (e.g., FSIS Laboratory Sample Forms, Notice of Detention, Termination of Detention, voluntary disposition forms, and other Federal, State, or local agency records);

f. other evidence that is relevant to whether there has been a statutory or regulatory violation; and

g. the legal structure of the alleged violator's organization.

**NOTE:** Tab each exhibit with the exhibit number to facilitate locating documents and uniformly distribute the tabs from top to bottom on the right side of the Report.

E. Investigators are to prepare and incorporate each exhibit into the ROI with FSIS Form 8000-7 (Exhibit Cover Sheet) to include:

1. a description of the evidence;
2. name and address of the person from whom the evidence was obtained;
3. name, title and badge number of the person who obtained the evidence;
4. date the evidence was obtained;
5. location of the original evidence (e.g., generally, Investigators collect copies of documents or records; therefore, the original would be held by the person that the copy was collected from); and
6. the appropriate sequential exhibit number, (except when the ROI is referred to another Regional Office for completion, do not enter exhibit numbers.)

F. Witness List – When a case is referred for prosecution consideration, the OPEER Evaluation and Enforcement Division, Office of General Counsel, or Department of Justice may request that the Lead Investigator prepare and provide a list of all witnesses with knowledge of the case. The list is to be prepared in the following format:

1. identity of each witness (name, title);
2. residence address (if known) (street address, apt. number, city, State, zip code);
3. business address (street address, suite number, city, State, zip code);
4. telephone number (if known);
5. a short summary of what the witness can attest to; and
6. any information that could bear on the credibility of the witness.

G. Investigators are to initiate an FSIS Form 8000-8 (Review and Compliance Record) and include it with each ROI they submit to their Supervisory Investigator (SI).

**NOTE:** Investigators are to limit distribution of the ROI to officials responsible for taking action on the matter investigated and those having an official need to know the results of the investigation.

## **VII. ROI REVIEW**

A. The SI is to review and evaluate the ROI to ensure it has been prepared in accordance with this directive and is to note any errors or omissions found on FSIS Form 8050-3 (Compliance Case Review).

B. The SI will complete a separate Compliance Case Review for each alleged violator and submit the original and one copy with each ROI.

C. The SI is to provide a copy or copies of the Compliance Case Review to each Investigator involved in the case.

D. The SI is to submit the ROI to the RM with his or her recommendation on whether an enforcement action is necessary.

E. Based on the findings and evidence in the ROI, the RM is to make a determination in accordance with the criteria in FSIS Directive 8010.5, "Case Referral and Disposition" (e.g., issue a Notice of Warning or refer the ROI for civil or criminal prosecution consideration; or other action).

Refer questions to the Technical Service Center at 1-800-233-3935.



Assistant Administrator  
Office of Policy, Program, and Employee Development